UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

GEORGE HILL and CHERYL HILL,)
Plaintiffs,)
and) No. 3:07-cv-237) (Phillips/Guyton)
BUSH BROTHERS & COMPANY,	
Intervening Plaintiff,)
v .)
SWIFT TRANSPORTATION COMPANY, INC., et al.,))
Defendants.)

ORDER

On January 15, 2009, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a six-page report and recommendation ("R&R") [Doc. 19], in which he recommended that plaintiffs' Motion to Determine Allocation and Apportionment of Attorney's Fees Relative to Worker's Compensation Subrogation Recovery [Doc. 10] be granted.

Bush Brothers & Company, intervening plaintiff, claims a subrogation interest of \$56, 313.28. Plaintiffs' counsel moved the court to determine how to allocate attorney's fees therefrom [Doc. 10]; at a hearing, plaintiffs' counsel indicated that they specifically seek a fee in the amount of one-third of the subrogation interest, or \$18,771.09. In his R&R, Judge Guyton recommended that plaintiffs' motion be granted as modified, namely, that plaintiffs' counsel receive 75% of the requested fee award of \$18,771.09, resulting in an

award for plaintiffs' counsel of \$14,078.32 and leaving \$42,234.96 to satisfy Bush Brother's

subrogation interest.

The deadline for timely objection to the R&R has passed, Fed. R. Civ. P. 72(b)(2),

without any such objection from the parties. Having carefully reviewed the record, the court

finds itself in complete agreement with Judge Guyton's thorough analysis. Accordingly, the

R&R is ACCEPTED IN WHOLE, which the court adopts and incorporates into this

agreement, whereby plaintiffs' motion [Doc. 10] is GRANTED with the following

specifications. Plaintiffs' counsel shall be awarded 75% of the requested fee award of

\$18,771.09, resulting in an award to plaintiffs' counsel of \$14,078.32. The remaining

\$42,234.96 of the settlement shall satisfy Bush Brothers' subrogation interest.

The parties shall file a stipulation and proposed order of compromise and dismissal

with the court.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge